

Application No.: 09/760,068

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Docket No.: 360322000100

REMARKS

A Notice of Allowability (PTOL-37; Paper No. 2), Interview Summary, and Examiner's Amendment were received having a mail date of March 17, 2005. Prior to payment of the issue fee and pursuant to 37 C.F.R. § 1.312, Applicants respectfully request entry of this amendment.

No new matter is added. Claim 41 is now amended to depend from claim 35. This amendment was previously agreed upon during an Examiner Interview on December 10, 2004 between Attorney Stephen Durant and the Examiner. The Interview Summary (copy attached herewith) mailed with the Notice of Allowability memorializes this agreement.

Although the Interview Summary states agreement on amendment to claims 31 and 41, the Examiner's Amendment (copy attached herewith) only shows amendment to claim 31. Applicants are not aware of any correspondence showing amended claim 41.

Applicants repeatedly attempted to obtain clarification as to amendment to claim 41 with the Examiner and Supervisory Examiner Etienne. To date, Applicants have not received any resolution to this inquiry, e.g., receipt of a Supplemental Examiner's Amendment showing amendment to claim 41, or affirmative request for the Applicants to submit a Rule 312 Amendment. Absent such guidance, Applicants submit a Rule 312 Amendment herewith to make of record the amendment to claim 41.

No fee is believed to be required. The Examiner is encouraged to contact the undersigned if any questions or issues should arise regarding this matter.

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In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 360322000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 10, 2005

Respectfully submitted,

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